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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,339	02/22/2005	Daniel Ballin	36-1888	3643

23117	7590	05/07/2007
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EXAMINER
KIM, EUNHEE

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
05/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,339	Applicant(s) BALLIN ET AL.	
	Examiner Eunhee Kim	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/07/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 02/16/2007 has been received and considered. Claims 25-34 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement filed 07/07/2005 is being considered by the examiner. However, the foreign Patent documents of 10-171989 has not been considered because the translation was not submitted.

Claim Objections

3. Claim 28 is objected to because of the following informalities:

The claim 28 is in difference statutory class because it is a product claim while Claim 25 is a method, thus it is an improper dependent claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 recites the limitation "the transmitted information" in line 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 25, 27-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter and they lack a practical application of a Judicial exception due to failure to produce a useful, concrete and tangible result.

As per claims 25 and 31, it fails to provide a useful concrete and a tangible result because it is not clear what an end result is after applying the set of weight value to a plurality of predefined models.

As per claim 31, the claim is at best software, per se, lacking the necessary hardware to fall into a statutory category of invention since specification does not define what these means are.

Claims 27-30 and 32 further confuse the intended metes and bounds and in no way resolve the deficiencies of parent claims.

Claim Rejections - 35 USC § 102.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 25-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers (WO 99/57900)

Myers discloses (Claims 25 and 31) a method and a system of object model generation (Abstract), comprising the steps of:

storing a set of weight values expressing a first object model of a first type as a weighted sum of a plurality of predefined object models, each of the first type, wherein the object models of the first type comprise an avatar (Fig. 1-4, Page 10 lines 19-30, Page 11 lines 22-24, Page 40 line 6-35, Page 41 lines 1-35, Page 48 lines 20-30, Page 49 lines 1-14); and

applying the set of weight values to a plurality of predefined models of a second type, wherein the object models of the second type comprise clothing models, to generate an output object model of the second type corresponding to a weighted sum of the predefined models of the second type wherein the output object model of the second type comprise a model of clothing garments in the shape which the garments would assume when applied to the avatars (Fig. 1-4, Page 10 lines 19-30, Page 11 lines 22-24, Page 40 line 6-35, Page 41 lines 1-35, Page 48 lines 20-30, Page 49 lines 1-14);

(Claims 26 and 33-34) displaying to a user the first object model of the first type simultaneously with the output object model of the second type (Page 41 lines 1-35);

(Claims 27 and 32) wherein the object models of the first or second type each comprise a plurality of co-ordinates representing vertex points in a virtual space (Page 10 lines 19-30, Page 11 lines 22-24, Page 40 line 6-35, Page 41 lines 1-35, Page 48 lines 20-30, Page 49 lines 1-14);

(Claim 28) a computer readable storage medium storing computer program which when executed on a computer causes the computer to perform (Page 44 lines 4-28);

(Claim 29) transmitting information relating to a first object model of a first type to an object model server (Page 45 lines 20-25, Page 49 lines 1-14); and

(Claim 30) wherein the transmitted information is the first object model itself (Page 45 lines 20-25, Page 49 lines 1-14).

Response to Arguments

10. Applicant's arguments filed 02/16/2007 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claim 25-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

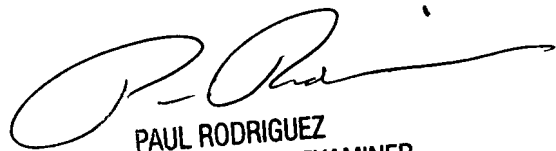
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eunhee Kim whose telephone number is 571-272-2164. The examiner can normally be reached on 7:30am-4:00pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EK



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